

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NEW YORK LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

SIMON R MITCHELL,

Defendant.

CASE NO. C21-141 MJP

ORDER GRANTING STIPULATED  
MOTION TO SUPPLEMENT  
RECORD ON CERTIFICATION

This matter is before the Court on the Parties' stipulated motion to supplement the record on certification to the Washington Supreme Court. (Dkt. No. 36.) The Court GRANTS the motion.

The Court granted Defendant's motion to certify questions to the Washington Supreme Court, (Dkt. No. 33), and directed the Clerk to submit to the Washington Supreme Court certified copies of the docket sheet and all documents filed under Docket Numbers 1, 12, 15, and 33, (Dkt. No. 34). These documents include the pleadings and the Court's order on certification. The Parties now ask the Court to submit documents filed under Docket Numbers 18–32 as well.

1 These documents comprise all briefing and supporting declarations for Defendant's motions for  
 2 summary judgment, to stay discovery and for a protective order, and to certify questions to the  
 3 Washington Supreme Court. (Dkt. No. 36.)

4 "Certificate procedure shall include and be based upon the record and may include a  
 5 supplemental record." Wash. Rev. Code § 2.60.030(2). The "record" on certification is defined  
 6 as:

7 (a) A stipulation of facts approved by the federal court showing the nature of the case and  
 8 the circumstances out of which the question of law arises or such part of the pleadings,  
 9 proceedings and testimony in the cause pending before the federal court as in its opinion  
 10 is necessary to enable the supreme court to answer the question submitted; (b) a statement  
 11 of the question of local law certified for answer. The record shall contain a certificate  
 under the official seal of the court, signed by the chief judge of a multi-judge federal  
 court or judge of the district court utilizing certificate procedure stating that the record  
 contains all matters in the pending cause deemed material for consideration of the local  
 law question certified for answer.

12 Wash. Rev. Code § 2.60.010(4). The Court accepts the Parties' position that the additional  
 13 portions of the record may be necessary to enable the Washington Supreme Court to answer the  
 14 question submitted and directs the Clerk to submit to the Washington Supreme Court certified  
 15 copies of this Order and all documents filed under Docket Numbers 18–32, 34, and 36. The  
 16 record so compiled contains all matters in the pending case deemed material for consideration of  
 17 the local-law questions certified for answer.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated November 24, 2021.

20 

21 Marsha J. Pechman  
 22 United States Senior District Judge  
 23  
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